IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Bail Appl..No. 7724 of 2006(A)

AGAINST THE JUDGEMENT/ORDER IN BA.7373/2006 Dated 14/12/2006

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: PETITIONERS/ACCUSED NOS.6 & 7:

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1. ARUN RAJ @ SHAJI, S/O.KOCHU NARAYANAN @ NARAYANA PILLAI, PALAPPAPPLY VEEDU, NADUKUNNU MURI, LAL BHAVAN JN.,MELILA VILLAGE.

2. SAJEEVKUMAR @ SAJEEV, S/O. BALAKRISHNA PILLAI, KUNNATHARIKATHU, NADUKKUNNU MURI, LAL BHAVAN JN., MELILA VILLAGE.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTORSRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 7724 of 2006

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Dated, this the 10th day of January 2007

ORDER

Petitioners who are accused Nos. 6 and 7 in Crime No. 499 of 2006 of Kunnikkode Police Station for offences punishable under Secs. 366, 376 (2)(g) of I.P.C. seek their enlargement on bail.

2. The occurrence was allegedly committed from 5-11-2006 onwards. The victim is a 17 year old girl. Petitioners were arrested on 28-11-2006.

3. The learned Public Prosecutor opposed the application.

4. The case of the prosecution is that 17 year old Asha had left her home at Maharshikkavu in Puthussery Bhagam on 4-11-2006 after getting cross with her parents and she was befriended by accused Nos. 1 to 4 who are all autorickshaw drivers who took her to various places and then handed over to accused Nos. 6 and 7, that accused No. 7 had on 5-11-2006 at about 11 p.m. forcibly administered liquor to her and accused Nos. 6 and 7 had thereafter ravished the girl several times and on the next day she was picked up by accused Nos. 8 and 15 who too had also satisfied their lust in the girl. It is too early to conclude that the petitioners are innocent and it

was the girl who was loose morals and the prurient improprieties attributed to the accused were all with the consent of the girl.

5. This is a gang rape at a minor girl in which all the accused persons have not been apprehended by the police. Investigation of the case is still in the preliminary stage. If at this stage of the investigation the petitioners are released on bail, they will definitely influence and intimidate the prosecution witnesses including the victim and will meddle with the smooth investigation of the case. I am not inclined to grant bail to the petitioners at this stage.

This application is accordingly dismissed.

Sd/-V.Ramkumar, Judge

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P.a. to Judge.